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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,971	10/06/2003	Robert M. Best	493-37-3	4769

996 7590 10/23/2007
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SUITE 350
BELLEVUE, WA 98004-5973

EXAMINER

SAN JUAN, MARTINJERIKO P

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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10/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/679,971	Applicant(s) BEST, ROBERT M.	
	Examiner Martin Jeriko P. San Juan	Art Unit 2132	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months, from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

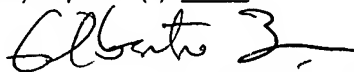
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 90-92, 94, 96-102, and 104-108.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Applicant's arguments filed October 2, 2007 have been fully considered but they are not persuasive.

Applicant alleges that the combination of Ishibashi and McCarty, does not teach, show, describe, or remotely suggest the following limitations in applicant's claim 90: (c) encrypting said chip identifier in said cryptoprocessor chip to produce an encrypted identifier; McCarty does not suggest encryption of DEVID. Also, McCarty teaches away from encryption of the DEVID (device identifier code and serial number) by suggesting that the DEVID could be openly displayed whenever the operating system is re-booted. [McCarty, Col 13, Ln 39-43, 50-51].

Examiner respectfully disagrees. With regard to limitation (c), the issue is that McCarty does not explicitly teach encryption of said chip identifier (Data such as DEVID reads on chip identifier.). The examiner addresses this issue in the previous action stating that "it would have been obvious to one of ordinary skill in the art at the time of invention to encrypt said unique identifier of McCarty's cryptoprocessor to be transmitted to the server, just as taught by Ishibashi et al. when encrypting charge information data by a common session key to be transmitted to the server [US 6728379 B1, Col 7, Ln 48-51]. In other words, Ishibashi teaches encryption and decryption of information/data for transmission to another entity as shown in US 6728379 B1, Fig 6, Steps 5 & 7. Thus when McCarty is combined with Ishibashi, the unique identifier being information/data in transmission would have been encrypted (for transmission). As such, the server would also obviously re-encrypt said unique identifier (contained in the upgrade data of McCarty) along with other data sent back to the user/client side such as the content decryption key, which would then have to be decrypted by the cryptoprocessor upon receipt. The suggestion/motivation would have been to protect data while being transmitted to another party and to minimize/simplify data packet transmissions. The combined invention would not have taught away from McCarty's teachings about his uses of DEVID. First, the encryption of DEVID for transmission purposes does not affect McCarty's teachings about his uses of DEVID, simply because the DEVID would have been decrypted by the time it is used by the processor. Second, as suggested by McCarty, the DEVID could be (not should be) openly displayed whenever the operating system is rebooted.

Applicant alleges that the combination of Ishibashi and McCarty, does not teach, show, describe, or remotely suggest the following limitations in applicant's claim 90: (e) reencrypting in said server said chip identifier together with a decryption key corresponding to said first encryption key to produce an encrypted data block. McCarty teaches encryption of decryption key SYSKEY as a function of DEVID, but not encrypting both together as one encrypted data block. Such reencryption of DEVID and SYSKEY together as one encrypted data block is not taught, shown, described, or remotely suggested in Ishibashi or McCarty.

Examiner respectfully disagrees. As stated above, Ishibashi teaches encryption and decryption of information/data for transmission to another entity as shown in US 6728379 B1, Fig 6, Steps 5 & 7. Thus when McCarty is combined with Ishibashi, the server would have to re-encrypt said unique identifier (contained in the upgrade data of McCarty). In other words, the combined invention of Ishibashi and McCarty teaches (e) reencrypting in said server [US 6728379 B1, Fig 6, Step 3] said chip identifier together with a decryption key [US 5666411, Col 10, Ln 61-66] corresponding to said first encryption key to produce an encrypted data block [Encryption of DEVID/Ed(SYSKEY) which comprise the upgrade data would have been a result of the combined invention reading on the encrypted data block.].

Applicant alleges that the combination of Ishibashi and McCarty, does not teach, show, describe, or remotely suggest the following limitations in applicant's claim 90: (g) decrypting said encrypted data block in said cryptoprocessor chip to produce a decrypted identifier and said decryption key in said cryptoprocessor chip. Block decryption of DEVID and SYSKEY from one encrypted data block is not taught, shown, described or remotely suggested in Ishibashi or McCarty.

Examiner respectfully disagrees. Using the same rationale from above for encryption, the inverse being decryption, applies just as well. Ishibashi teaches encryption and decryption of information/data for transmission to another entity as shown in US 6728379 B1, Fig 6, Steps 5 & 7. Thus when McCarty is combined with Ishibashi, the Information Processor (or user/client side) would then have to decrypt the encrypted data block upon receipt from the Key Distribution Center (or Server) in the cryptoprocessor chip of McCarty.